



VOSH PROGRAM DIRECTIVE: 13-010

ISSUED: September 15, 2008

SUBJECT: Memorandum of Understanding between the Department of Labor and Industry (DOLI) and the Department of Professional and Occupational Regulation (DPOR)

A. Purpose.

This Directive memorializes into the VOSH Program Directive System the longstanding (1997) Memorandum of Understanding between the Department of Labor and Industry and the Department of Professional and Occupational Regulation (DPOR) to establish a frame work for the flow of information resulting from on-site asbestos and lead-based paint abatement inspections as mandated by the Code of Virginia. There are no changes.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope.

This directive applies to all VOSH personnel.

C. Reference.

None.

D. Cancellation.

Not Applicable.

E. Action.

Directors and Managers shall ensure that field personnel understand and adhere to the Memorandum of Understanding included in this Directive.

F. Effective Date.

September 15, 2008.

G. Expiration Date.

Not Applicable.

C. Ray Davenport
Commissioner

Attachment: Memorandum of Understanding between the Department of Labor and Industry and the Department of Professional and Occupational Regulation (February 3, 1997)

Distribution: Commissioner of Labor and Industry
Assistant Commissioner - Programs
VOSH Directors and Managers
Cooperative Programs Director and Manager
VOSH Compliance and Cooperative Programs Staff
Legal Support and IMIS Staff
OSHA Region III and Norfolk Area Offices



COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

3600 WEST BROAD STREET, RICHMOND, VIRGINIA 23230-4917

MEMORANDUM OF UNDERSTANDING

BETWEEN

DEPARTMENT OF LABOR AND INDUSTRY

AND

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

JACK E. KOTVAS
DIRECTOR

DEPUTY DIRECTORS:
THOMAS A. GELOZIN
ADMINISTRATION AND FINANCE
JAMES L. GUFFEY
ENFORCEMENT

I. PURPOSE

To meet the requirements of Chapter 3.2, Section 40.1-51.21 regarding on-site inspections by the Department of Labor and Industry, this Memorandum of Understanding enumerates the responsibilities of the Department of Labor and Industry (DLI) and the Department of Professional and Occupational Regulation (DPOR) to establish a frame work for the flow of information resulting from on-site asbestos and lead-based paint abatement inspections as mandated by the Code of Virginia.

II. PROCEDURE

A. DEPARTMENT OF LABOR AND INDUSTRY RESPONSIBILITIES:

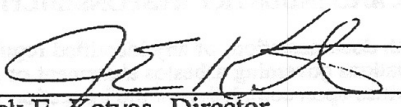
1. DLI will notify DPOR, with documentation, of any identified regulatory violation(s) of DPOR regulations governing asbestos abatement or lead-based paint abatement activities upon completion of the inspection report.
2. The DLI will provide DPOR with compliance reports of Virginia Occupational Safety and Health (VOSH) citations, as well as copies of citations in response to specific request in reference to DPOR enforcement actions.
3. DLI will advise DPOR, regarding alleged violation(s) of EPA regulations and/or referral(s) to the Department of Environmental Quality (DEQ) regarding potential regulatory violations upon completion of the inspection report.
4. DLI will periodically send DPOR a report of all asbestos and lead abatement activity notifications.
5. DLI will notify DPOR, as soon as practical, if it discovers any unlicensed activity by a firm or individual as a result of an on-site inspection.

**B. DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL
REGULATION RESPONSIBILITIES:**

1. DPOR will, upon request, verify the validity of any asbestos license(s) or lead certification(s) identified during an on-site inspection.
2. DPOR will send DLI the results of final disciplinary actions taken as a result of an investigation.
3. DPOR will periodically send DLI a list of licensed asbestos and lead abatement contractors, asbestos analytical laboratories asbestos project monitors, lead inspectors, lead risk assessors, lead supervisors, lead workers, as well as any Virginia approved asbestos and lead-based paint abatement training providers.

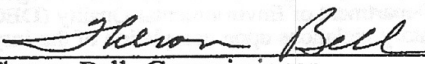
This Memorandum of Understanding will be effective from the date signed below until such time as the parties hereto enter into another Memorandum of Understanding Agreement, or mutually agree to cancel this MOU with 30 days written notice.

It is mutually agreed that any amendments, deletions, or additions to this Memorandum may be made by letter signed by the Director of Department of Professional and Occupational Regulation and the Commissioner of the Department of Labor and Industry.



Jack E. Kotvas, Director
Virginia Department of Professional &
Occupational Regulation

2/3/97
Date



Theron Bell, Commissioner
Virginia Department of Labor & Industry

1-21-97
Date